

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
MONDAY, AUGUST 16, 1999**

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At 9:30 a.m., the court met in the Library & Courts Building to begin its regular court session.

PRESENT: SIMS, Acting Presiding Justice
 RAYE, Associate Justice
 MORRISON, Associate Justice

Bailiff: Conrad.
Calendar called.

Civil DON WILKERSON et al.
No. v.
C030106 ALFRED A. BANFORD et al.

Cause called. A. Morgan Jones argued for Plaintiffs-Appellants. David R. Hoy, of Bible Hoy & Associates argued for Defendants-Respondents. Cause submitted.

At 10:06 a.m., court recessed. At 10:10 a.m., court reconvened with the same panel except Associate Justice Davis in place of Associate Justice Morrison.

Crim. THE PEOPLE
No. v.
C028204 RICARDO LYNN HALL

Cause called. Robert D. Bacon, court appointed counsel argued for Defendant-Appellant. Craig S. Meyers, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

Crim. THE PEOPLE
No. v.
C029002 ROBERT NELSON ATKINS

Cause called. Victor Blumenkrantz, court appointed counsel argued for Defendant-Appellant. Kelly E. LeBel, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
MONDAY, AUGUST 16, 1999 CONTINUED**

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At 10:50 a.m., court recessed. At 10:53 a.m., court recovered with Acting Presiding Justice Blease, Associate Justice Sims, and Associate Justice Davis.

Civil SACRAMENTO COUNTY FIRE PROTECTION etc.
No. v.
C026451 SACRAMENTO COUNTY ASSESSMENT etc.
 AEROJET GENERAL CORPORATION et al.

Cause called. Byron D. Athan argued for Plaintiff-Appellant. John T. Seyman, Deputy County Counsel argued for Defendant-Respondent. Richard J. Ayoob, of Ajalat, Polley & Ayoob argued for Real party in interest Aerojet General Corporation. Claudia J. Robinson, of Lewis, D'Amato, Brisbois & Bisgaard appeared for Real party in interest Aerijet General Corporation but did not argue. Jose B. Uranga, appeared for Real party in interest Aerojet General Corporation. Cause submitted.

At 11:30 a.m., court recessed. At 11:32 p.m., court reconvened with Acting Presiding Justice Davis, Associate Justice Nicholson and Associate Justice Kolkey.

Civil R & L BROSAMER, INC.
No. v.
C030603 DEPARTMENT OF TRANSPORTATION
 O. J. JONES & SONS et al.

Cause called. W. Samuel Niece, of Thelen Reid & Priest argued for Plaintiff-Appellant. Robert N. Blum, of Thelen Reid & Preist appeared for Plaintiff-Appellant but did not argue. Keith J. Kirchubel argued for Defendant-Respondent. V Blair Shahbazian, of Murphy, Austin, Adams & Schoenfeld argued for Real party in interests-Respondent. Cause submitted.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
MONDAY, AUGUST 16, 1999 CONTINUED**

3

At 12:10 p.m., court recessed. At 2:00 p.m., court reconvened
Presiding Justice Scotland, Associate Justice Raye, and Associate Justice
Kolkey.

Civil ARLET ALLEN WYANT
No. v.
C030075 MARK L. ZILA

Cause called. Gary Alexander, of Meis, Alexander & Dean argued
for Plaintiff-Appellant. Michael K. Pazdernik argued for Defendant-
Respondent. Cause submitted.

At 2:25 p.m., court recessed. At 2:27 p.m., court reconvened with
Presiding Justice Scotland, Associate Justice Blease, and Associate Justice
Davis.

Civil KATHLEEN A. HRONIS
No. v.
C026281 MERCY HEALTHCARE ETC. et al.

Cause called. Joseph B. Weinberger argued for Plaintiff-Appellant.
Charity Kenyon, f Riegels, Campos & Kenyon argued for Defendants-
Respondents. Cause submitted.

At 2:45 p.m., court recessed. At 2:49 p.m., court reconvened with
Acting Presiding Justice Blease, Associate Justice Raye and Associate
Justice Callahan.

Civil CAMEO JAMES
No. v.
C030665 MICHAEL REX FAVERO

Cause called. David A. Martin argued for Plaintiff-Appellant. D.
Jack Haycock, of Haycock & Associate argued for Defendnat-Appellant.
Cause submitted. (Consolidated with C031526)

Civil CAMEO JAMES
No. v.
C031526 MICAHEL REX FAVERO

Cause called. David A. Martin argued for Plaintiff-Appellant. D.
Jack Haycock, of Haycock & Associate argued for Defendnat-Appellant.
Cause submitted. (Consolidated with C030665)

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
MONDAY, AUGUST 16, 1999 CONTINUED**

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At 3:15 p.m., court recessed. At 3:18 p.m., court reconvened with Acting Presiding Justice Morrison, and Associate Justice Hull.

Civil INTERNATIONAL BILLING SERVICES Inc.
No. v.
C027450 NORTH AMERICAN CAPITAL et al.

Cause called. Norman C. Hile, of Orrick, Herrington, & Sutcliffe argued for Plaintiff-Appellant. Kim Mueller, of Orrick, Herrington & Sutcliffe appeared for Plaintiff-Appellant but did not argue. Chris Gibson, of Boutin, Dentino, Gibson, DiGiusto & Hodell argued for Defendants Respondent. Cause submitted. Kim Mueller, of Orrick, Herrington & Sutcliffe appeared for Plaintiff-Appellant but did not argue.

At 3:54 p.m., court recessed, until 9:30 a.m., Tuesday, August 17, 1999.

Crim. THE PEOPLE (Not for Publication)
No. v.
C031332 PAUL EDWARD AGUERO

The judgment is affirmed.

SCOTLAND. P.J.

We concur: NICHOLSON, J.
 KOLKEY, J.

TUESDAY, AUGUST 17, 1999

At 9:29 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: BLEASE, Acting Presiding Justice
 SIMS, Associate Justice
 RAYE, Associate Justice

Bailiff: Rios
Calendar called.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
TUESDAY, AUGUST 17, 1999 CONTINUED**

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Civil CHERI B. JOHNSON
No. v.
C028419 CRAIG A. McCOLLAM

Cause called. Lawrence M. Guslani, of Ropers, Majeski, Kohn & Bentley argued for Defendant-Appellant. Mark G. Intrieri, of Chapman & Intrieri argued for Plaintiff-Respondent. Cause submitted. (Consolidated with C029093)

Civil CHERI B. JOHNSON
No. v.
C029093 CRAIG A. McCOLLAM

Cause called. Lawrence M. Guslani, of Ropers, Majeski, Kohn & Bentley argued for Defendant-Appellant. Mark G. Intrieri, of Chapman & Intrieri argued for Plaintiff-Respondent. Cause submitted. (Consolidated with C028419)

At 10:02 a.m., court recessed. At 10:06 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Blease and Associate Justice Hull.

Crim. THE PEOPLE
No. v.
C029881 MARTINS NNADI NWOKE

Cause called. Charles M. Bonneau argued for Defendant-Appellant. Mark A. Johnson, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 10:40 a.m., court recessed. At 2:01 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Nicholson and Associate Justice Raye.

Civil CITY OF SHASTA LAKE et al.
No. v.
C029036 COUNTY OF SHASTA et al.

Cause called. Michael F. Dean, of Kronick, Moskovitz, Tiedemann & Girard argued for Defendants-X-Complainants-Appellants. John Sullivan Kenny, of Moss & Enochian argued for Plaintiffs-X-Defendants-Respondents. Cause submitted.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
TUESDAY, AUGUST 17, 1999 CONTINUED**

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Civil DONALD HARTLEY
No. v.
C031320 COUNTY OF SHASTA et al.

Cause called. Alan M. Laskin, of Laskin & Guenard argued for Plaintiff-Appellant. Kristin L. Cihak, of Jackson, Lewis, Schnitzler & Krupman argued for Defendants-Respondents. Cause submitted.

At 3:14 p.m., court recessed. At 3:15 p.m., court reconvened with the same panel except Associate Justice Hull in place of Associate Justice Raye.

Civil MARY DELLY MELINDES
No. v.
C029602 CITH OF STOCKTON et al.

Cause called. R. Lewis Van Blois, of Van Blois & Associates argued for Plaintiff and Appellant. Anthony J. Gutierrez appeared for Plaintiff-Appellant but did not argue. Richard W. Taylor, Deputy City Attorney argued for Defendants-Respondents. Cause submitted.

Court recessed at 3:45 p.m., until 9:30 a.m., Wednesday, August 18, 1999.

Crim. THE PEOPLE (Not for Publication)
No. v.
C031235 SHAWN DAVID APRILL

The judgment is affirmed.

RAYE, J.

We concur: BLEASE, Acting P.J.
 CALLAHAN, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
WEDNESDAY, AUGUST 18, 1999**

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At 9:30 a.m., the court met in the Library & Courts Building for a continuation of court calendar session.

PRESENT: SCOTLAND, Presiding Justice
 NICHOLSON, Associate Justice
 CALLAHAN, Associate Justice

Bailiff: Conrad
Calendar called.

Crim. THE PEOPLE
No. v.
C028987 REGINALD HARRISON SAMUELS

Cause called. Robert Navarro, court appointed counsel argued for Defendant-Appellant. No appearance was made on behalf of Plaintiff-Respondent as argued having been previously waived and approved. Cause submitted.

At 9:44 a.m., court recessed. At 9:45 a.m., court reconvened with Presiding Justice Scotland, Associate Justice Sims, and Associate Justice Nicholson.

Crim. THE PEOPLE
No. v.
C027019 JAMES QUINCY JAMERSON

Cause called. Deborah Tuttelman, court appointed counsel argued for Defendant-Appellant. Alison Elle Aleman, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 10:06 a.m., court recessed. At 10:08 a.m., court reconvened with Acting Presiding Justice Sims, Associate Justice Nicholson, and Associate Justice Morrison.

Civil MATTHEW JOSEPHS
No. v.
C028681 FRANK ZOLIN et al.

Cause called. George Donaldson argued for Plaintiff-Appellant. Michael J. Cornez, Deputy Attorney General argued for Defendants-Respondent. Cause submitted.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
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Crim. THE PEOPLE

No. v.

C028606 CARLOS FRANK ARIAS

Cause called. Madeline McDowell, Central California Appellant Program argued for Defendant-Appellant with additional citations. George M. Hendrickson, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 10:39 a.m., court recessed. At 10:42 a.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Sims and Associate Justice Callahan.

Crim. THE PEOPLE

No. v.

C029910 JAMES BERTRAN THOMAS

Cause called. Pete R. Hensley, Deputy State Public Defender argued for Defendant-Appellant. Harry Joseph Colombo, Deputy Attorney general argued for Plaintiff-Respondent. Cause submitted.

At 11:06 a.m., court recessed. At 2:00 p.m., court reconvened with Presiding Justice Scotland, Associate Justice Sims, and Associate Justice Nicholson.

Civil BERNASCONI COMMERCIAL REAL ESTATE et al.

No. v.

C029498 C B COMMERCIAL REAL ESTATE GROUP et al.

Cause called. Anthony Bentivegna argued for Plaintiffs-Appellants. Paul Balestracci, of Neumiller & Beardslee argued for Defendant-Respondent Omni Health Plan. Karen L. Grennberg argued for Defendant-respondent C B Commercial Real Estate Group. Cause submitted.

Civil DONNA M. O'SHEA et al.

No. v.

C029892 COUNTY OF SACRAMENTO et al.

Cause called. Dennis M. Wilson argued for Plaintiffs-Appellants. Carol A. Wieckowski, of Duncan, Ball, Evans & Ubaldi argued for Defendants-Respondents. Cause submitted.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
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At 2:55 p.m., court recessed. At 3:00 p.m., court reconvened with the same panel except Associate Justice Morrison in place of Associate Justice Nicholson.

Crim. THE PEOPLE
No. v.
C028373 GALEN PATRICK WOODEN

Cause called. Richard T. Dudek argued for Defendant-Appellant. No appearance was made on behalf of Plaintiff-Respondent as argued having been previously waived and approved. Cause submitted.

At 3:15 p.m., court recessed. At 3:16 p.m., court reconvened with the same panel except Associate Justice Blease in place of Associate Justice Morrison.

Civil NICHOLSAS CASELA
No. v.
C025509 ALLIED PROPERTY & Casualty Ins. Co.

Cause called. Heidi A. Hunter, of Low, Ball & Lynch argued for Plaintiff-Appellant. Mark Koop, of Durham & Brown argue for Defendant-Respondent.. Mark D. Wuerfel, of Wuerfel & Cholakian appeared for Defendant-Respondent but did not argued. Cause submitted.

Court recessed at 3:44 p.m., until 9:30 a.m., Friday, August 20, 1999.

Crim. THE PEOPLE (Not for Publication)
No. v.
C030159 JAMES PRESTON MARTIN

The judgment is affirmed.

KOLKEY, J.

We concur: SCOTLAND, P.J.
DAVIS, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
WEDNESDAY, AUGUST 18, 1999**

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Crim. THE PEOPLE (Not for Publication)
No. v.
C030669 SCOT JOSEPH TROUTMAN
The judgment is affirmed.
MORRISON, J
We concur: BLEASE, Acting P.J.
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C028985 CRYSTAL LEE ORNBAUM
The judgment (order of probation) is affirmed.
KOLKEY, J.
We concur: SIMS, Acting P.J.
CALLAHAN, J.

Civil CJS COMPANY et alia (Certified for Publication)
No. v.
C031399 WORKERS COMPENSATION APPEALS BOARD and Gary Fong
The decision of the Board is affirmed.
(CERTIFIED FOR PUBLICAITON)
DAVIS, J.
We concur: SCOTLAND, P.J.
KOLKEY, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C030663 ALOYSIUS FRANKLIN
The \$200 restitution fine imposed August 6, 1998, is stricken. As
modified, the judgment is affirmed.
HULL, J.
We concur: SCOTLAND, P.J.
KOLKEY, J.

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We concur: SCOTLAND, P.J.
KOLKEY, J.

We concur: SIMS, Acting P.J.
 MORRISON, J.

We concur: SCOTLAND, P.J.
CALLAHAN, J.

Civil ELWYN NIGH et al.
No. V. (Not for Publication)
C030933 MARK HAMBLY
The judgment is affirmed.
HULL, J.
We concur:” SCOTLAND, P.J.
BLEASE, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
THURSDAY, AUGUST 19, 1999**

12

Civil KIM L. RYAN
No. v.
C033033 PATRICIA MAGARETA DEVRE

By the court:

Respondents' motion to dismiss the appeal is granted. (See California Rules of Court, rule 41©.)

Dated: August 19, 1999

SIMS, Acting P.J.

Civil JCAQUELYN I.. JOHNSON
No. v.
C032645 CITY OF SACRAMENTO
BY THE COURT:

The court having examined the record on appeal and having determined that the order appealed from is nonappealable, the appeal filed May 17, 1999, is dismissed. (See Modica v. Merin (1991) 234 Cal. App. 3d 1072.)

Dated: August 19, 1999

SIMS, Acting P.J.

Civil GEORGE HARDIN, JR.
No. v.
C032946 CITY OF FOLSOM
BY THE COURT:

The court having examined the record on appeal and aving determines that the order appealed from is nonappealable, the appeal filed June 21, 1999, is dismissed. (See Modica v. Merin (1991) 234 Cal. App. 3rd 1072.)

Dated: August 19, 1999

SIMS, Acting P.J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C029925 EDWIN MERRILL MOATZ

The judgment is affirmed.

BLEASE, Acting P.J.

We concur: RAYE, J.
 CALLAHAN, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
THURSSDAY, AUGUST 19, 1999 CONTINUED**

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Crim. THE PEOPLE (Not for Publication)
No. v.
C031147 MARK WILLIAM DEVOLL
The judgment is affirmed.
RAYE, J.
We concur: SIMS, Acting P.J.
DAVIS. J.

Civil MAVIN INCOME FUND, LTD. Et al.
No. v.
C031484 YUN SO CHANG et al.
BY THE COURT:

Pursuant to the written request of the cross-appellants, the cross-appeal filed January 12, 1999, is dismissed. It is further ordered that the remittitur issue forthwith. (See Cal. Rules of Court, rule 19(b).)

The dismissal does not affect the remainder of the appeal.
Dated: August 19, 1999

SCOTLAND, P.J.

FRIDAY, AUGUST 20, 1999

At 9:28 a.m., the court met in the Library & Courts Building for a continuation of its court calendar session.

PRESENT: BLEASE, Acting Presiding Justice
RAYE, Associate Justice
HULL, Associate Justice

Bailiff: Conrad.
Calendar called.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
FRIDAY, AUGUST 20, 1999 CONTINUED**

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Crim. THE PEOPLE
No. v.
C029956 MICHELLE LYNN SEEGLDT

Cause called. Michael P. Goldstein, Deputy State Public Defender argued for Defendant-Appellant. (With additional citations.) Mark A. Johnson, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

At 9:39 a.m., court recessed. At 9:43 a.m., court reconvened with Acting Presiding Justice ,Associate Justice Sims and Associate Justice Callahan.

Civil LARRY R. ROPER
No. v.
C029491 RICH FUIDGE MORRIS & SANBROOK et al.

Cause called. Jeffrey C. Hallam, of Sideman & Bancroft argued for Plaintiff-Appellant. Barry W. Strike, of Sideman & Bancroft appeared for Plaintiff-Appellant but did not argue. Richard C. Creeggan, of McDonald, Saeltzer, Morris, Creeggan & Waddock argued for Defendants-Respondents. Cause submitted.

Civil LARRY R. ROPER
No. v.
C030166 BOLLING, WALTER & GAWTHROP et al.

Cause called. Jeffrey C. Hallam, of Sideman & Bancroft argued for Plaintiff-Appellant. Barry W. Strike, of Sideman & Bancroft appeared for Plaintiff-Appellant but did not argue. John P. Coleman, of Bolling, Walter & Gawthrop argued for Defendants-Respondents. Cause submitted.

Civil SINISNA SAVNIK et al.
No. v.
C030006 OPAL HALL

Cause called. John A. Mason, of Adams & Mason, Inc. argued for Defendant-Appellant. Fritz Howard Clapp argued for Plaintiffs-Respondents. Cause submitted.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
FRIDAY, AUGUST 20, 1999 CONTINUED**

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At 10:29 a.m., court recessed. At 10:34 a.m., court reconvened with the same panel except Associate Justice Nicholson in place of Associate Justice Sims.

Civil BARBARA K. TILLEY, etc.
No. v.
C030022 ROBERT A. COOK

Cause called. John Vodonick, of Dunbar & Vodonick argued for Defendant-Appellant. Jeremy S. Millstone, of McDonough, Holland & Allen argued for Plaintiff-Respondent. Cause submitted.

At 10:45 a.m., court recessed. At 2:00 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Raye, and Associate Justice Hull.

Civil CATHERINE CLARK
No. v.
C030131 PACIFIC STORAGE COMPANY

Cause called. Dana A. Suntag, of Shaver, Suntag & Feuerstein argued for defendant-Appellant. Daniel T. Dauenhauer argued for Plaintiff-Respondent. Cause submitted.

At 2:25 p.m., court recessed. At 2:27 p.m., court reconvened with the same panel except Associate Justice Sims in place of Associate Justice Raye.

Crim. THE PEOPLE
No. v.
C028815 JOHNNY RAY WILLS

Cause called. Deborah Tuttelman, court appointed counsel argued for Defendant-Appellant. Raymond L. Brosterhous II, Deputy Attorney General argued for Plaintiff-Respondent. Cause submitted.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
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FRIDAY, AUGUST 20, 1999 CONTINUED**

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At 2:42 p.m., court recessed. At 2:44 p.m., court reconvened with Acting Presiding Justice Blease, Associate Justice Sims and Associate Justice Callahan.

Civil TERESA LYNN MIGUELGORRY
No. v.
C028487 ROBERT BAYER et al.

Cause called. Joseph F. Habison, of Wilcoxon, Montgomery & Harbison argued for Plaintiff-Appellant. Michelle C. Jenni of Wilcoxon, Montgomery & Harbison appeared for Plaintiff-Appellant but did not argued. Sheila S. Kato, of Greines, Martin, Stein & Richland argued for Defendant-Respondent Robert Bayer. Cause submitted.

At 3:09 p.m., court recessed. At 3:11 p.m., court reconvened with the same panel except Associate Justice Nicholson in place of Associate Justice Sims.

Crim. THE PEOPLE
No. v.
C030148 JASON DEAN LaBONTE

Cause called. Richard J. Krech, court appointed counsel argued for Defendant-Appellant. Rachelle Newcomb, Deputy Attorney General argued for Plaintiff. Cause submitted.

Court adjourned 3:11 p.m., until 9:30 a.m., Monday September 20, 1999.

Civil CHANCE DANIEL PETERSON
No. v. (Not for Publication)
C031186 SALLY REED, DIRECTOR OF THE DEPARTMENT OF MOTOR
VEHICLES

The judgment is reversed,. And the matter is remanded with directions to the superior court to vacate its "ORDER ON PETITION FOR WRIT OF MANDAMUS" and to enter a new order denying Peterson's writ petition.

SCOTLAND, P.J.

We concur: SIMS, J.
 CALLAHAN, J.

**MINUTES OF THE COURT OF APPEAL
STATE OF CALIFORNIA
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FRIDAY, AUGUST 20, 1999 CONTINUED**

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Crim. THE PEOPLE (Not for Publication)
No. v.
C030924 RONALD E. WILLIAMS
The judgment is affirmed.
NICHOSLON J.
We concur: SCOTLAND, P.J.
CALLAHAN, J.

Crim. THE PEOPLE (Not for Publication)
No. v.
C028204 RICARDO LYNN HALL
The judgment is affirmed.
DAVIS, J.
We concur: SIMS, Acting P.J.
RAYE, J.

Juvenile In re BRIANNA J., a Person Coming Under the Juvenile Court Law.
No. HUMAN SERVICES AGENCY (Not for Publication)
C031807 v.
DARREN C.
The visitation and restraining orders are reversed and the matter is
remanded for the juvenile court to enter new orders restraining appellant
from contacting the mother of the minor while also permitting him to make
proper arrangements for visiting the minor.
In all other respects, the orders are affirmed.
DAVIS, Acting P.J.
We concur: NICHOLSON, J.
KOLKEY, J.